

REMARKS

A. The Section 103 Rejections Based on Bevan and Feuerstein

Claims 1 and 4-7 were once again rejected under 35 U.S.C. §103(a) as being unpatentable based on the combination of Bevan et al. (“Bevan”), U.S. Patent 6,489,923 and the newly cited reference to Feuerstein et al, U.S. Patent No. 6,188,333 (“Feuerstein”). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

In the Office Action the Examiner acknowledges that Bevan “ fails to explicitly teach substantially eliminating multipath nulls” (page 4 of Office Action), as recited in claim 1.

To make up for this deficiency the Examiner relies upon Feuerstein. The Applicant notes, however, that the claims also include the feature of a receiver having direction finding means for determining the bearing of a received signal in accordance with a phase thereof, said received signal containing additional gain. It is respectfully submitted that neither Bevan nor Feuerstein disclose or suggests such a received signal.

In the Office action (page 2), the Examiner refers the Applicant to a number of excerpts from Bevan that purportedly disclose the claimed bearing determination using additional gain. However, after reviewing each of the excerpts (and others cited elsewhere by the Examiner in the Office Action) the Applicant did not discover where Bevan states that its bearing determinations are completed using a “direction finding means for determining the bearing of a

received signal in accordance with a phase thereof, said received signal containing additional gain” .

Accordingly, because neither Bevan nor Feuerstein discloses or suggests a receiver that determines the bearing of a received signal in accordance with a phase thereof, where the received signal contains additional gain, Applicant respectfully requests withdrawal of the rejections and allowance of claims 1 and 4-7.

B.) The Other Section 103 Rejections

The Office Action also includes a number of other rejections under 35 U.S.C. §103(a) based on a combination of Bevan and Feuerstein with other references, namely: (a) that claims 2 and 3 are unpatentable over Bevan and Feuerstein in view of Schuchman et al. (“Schuchman”), U.S. Patent 6,148,195; (b) that claims 8-17, 20 and 21 are unpatentable over Bevan and Feuerstein in view of Boras et al. (“Boras”), U.S. Patent 5,303,240 and in further view of Sole et al. (“Sole”), U.S. Patent 6,150,987; and (c) that claims 18 and 19 are unpatentable over Bevan and Feuerstein in view of Boras, Sole and Schuchman. Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Applicant notes that each of these claims includes a receiver that determines the bearing of a received signal in accordance with a phase thereof, where the received signal contains additional gain. As indicated above, neither Bevan nor Feuerstein discloses or suggests such a feature. In addition, Applicant respectfully submits that none of the additional references discloses

or suggests such a feature. Therefore, Applicant respectfully submits that the claims of the present invention would not have been obvious to one of ordinary skill in the art because the combination of Bevan and Feuerstein with any of the other applied references does not disclose or suggest the subject matter of claims 2, 3 and 8-21.

In addition, the Applicant notes the Examiner's rejection of claims 10-12 and 14-17 based on Official Notice. The Applicant respectfully submits that such a rejection is not sustainable.

First, the fact that the Examiner has cited four references in arguing the obviousness of claims 8 and 9 and yet still admits that the four references do not render the subject matter of claims 10-12 and 14-17 (which depend on claims 8 and 9) obvious is evidence that the subject matter of claims 10-12 and 14-17 would not have been obvious to one skilled in the art. The Applicant respectfully requests that the Examiner either submit an affidavit setting forth sufficient evidence demonstrating how the subject matter of these claims would have been obvious or withdraw these rejections.

Accordingly, based on all of the above rationales the Applicant respectfully requests withdrawal of the pending rejections and allowance of claims 2, 3 and 8-21.

C.) Entry of Request for Reconsideration

Entry of this Request for Reconsideration ("Request") is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further

search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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